

REMARKS

Claims 1, 2, 19-32 are currently pending in the instant application.

Interview Summary

Applicants thank Examiner Rawlings for the courtesies extended during telephonic interviews with Evangeline Shih, Reg. No. 50,170, on August 5, 2003 and August 26, 2003, respectively. During the interviews, the Examiner requested Applicants to submit a supplemental election to their previously submitted Response to the Restriction Requirement. The Examiner also confirmed that he will rejoin claims 26, 27, and claims 28-32 (Group I, V, and VII).

During the interview held on August 26, 2003, the Examiner also indicated that claim 1 is a linking claim. As such, when claim 1 is found allowable, the Examiner will rejoin the non-elected subject matter of the pending claims. The Examiner further clarified that insofar as the pending claims are drawn to a method for inhibiting the growth of cancer cells in a patient, wherein said method comprises administering to said patient an antagonist of the DNA binding activity of STAT, wherein said antagonist is a peptide comprising one of the amino acid sequences selected from the group of amino acid sequences recited in claim 25 (Groups II-XVI), claim 26 (Groups XVII-XXI) and claim 27 (Groups XXII-XXIV), classified in class 514, subclasses 12-18, Applicants are required to elect a peptide comprising one of the amino acid sequences.

Applicants thank Examiner Rawlings for his willingness to enter the remarks and consider this supplemental response as timely filed.

Election

In order to be fully responsive, Applicants hereby provisionally elect the invention of Group II, claims 1, 2, 19, and 21-32 drawn to a method for inhibiting the growth of cancer cells in a patient involving a peptide comprising SEQ ID NO: 20, with traversal.

Applicants respectfully request that Groups II-XXIV be combined and examined together at this time in the instant application.

Even assuming *arguendo* that Groups II-XXIV represented distinct or independent inventions, Applicants submit that to search the subject matter of the twenty three Groups together would not be a serious burden on the Examiner. The M.P.E.P. § 803 (Eighth Edition, August 2001, revised February 2003) states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Moreover, Applicants respectfully point out that the subject matter of Groups II-XXIV is in the same class and overlapping subclasses. Thus, in view of M.P.E.P. §803, all of the subject matter of pending claims should be searched and examined together, since it would not be a "serious burden" on the Examiner.

Accordingly, Applicants respectfully request that the Restriction Requirement under 35 U.S.C. §121 be withdrawn and the instant claims be examined in one application.

Attorneys for Applicants retain the right to petition from the restriction requirement under 37 C.F.R. §1.144.

CONCLUSION

Applicants respectfully request that the present remarks be made of record in the instant application. An allowance of the application is earnestly requested. If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

It is believed that no additional fee is necessary to file this response. In the event that an additional fee is required, please charge Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

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